

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,
as representative of
THE COMMONWEALTH OF PUERTO RICO, *et
al.*,
Debtors.¹

PROMESA
Title III
No. 17 BK 3283-LTS
(Jointly Administered)
**This filing relates to the
Commonwealth, HTA and ERS.**

**REPLY OF THE COMMONWEALTH OF PUERTO RICO, PUERTO RICO
HIGHWAYS AND TRANSPORTATION AUTHORITY, AND EMPLOYEES
RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF
PUERTO RICO TO RESPONSES FILED BY CLAIMANTS JOANN CALDERON
RIVERA [ECF NO. 10239] AND QUETCY ANN CEDENO RODRIGUEZ [ECF NO.
10230] TO THE ONE HUNDRED NINETEENTH OMNIBUS OBJECTION (NON-
SUBSTANTIVE) TO MISCELLANEOUS DEFICIENT CLAIMS**

To the Honorable United States District Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (“Commonwealth”), Puerto Rico Highways and Transportation Authority (“HTA”), and Employees Retirement System for the Government of the Commonwealth of Puerto Rico (“ERS”, and together with the Commonwealth and HTA, the

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

“Debtors”) by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the representative of the Debtors pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² files this reply (the “Reply”) to the response [ECF No. 10239] (the “Calderon Response”), filed by Joann Calderon Rivera (“Calderon”), and the response [ECF No. 10230] (the “Cedeno Response”), filed by Quetcy Ann Cedeno Rodriguez (“Cedeno”), in response to the *One Hundred Nineteenth Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico, Puerto Rico Highways and Transportation Authority, and Employees Retirement System for the Government of the Commonwealth of Puerto Rico to Miscellaneous Deficient Claims* [ECF No. 9569] (the “One Hundred Nineteenth Omnibus Objection”). In support of this Reply, the Debtors respectfully represent as follows:

1. On December 12, 2019, the Commonwealth filed the One Hundred Nineteenth Omnibus Objection, seeking to disallow certain proofs of claim that failed to comply with the applicable rules for filing a claim by not providing a basis for asserting a claim against the Commonwealth, HTA, ERS, or any other Title III Debtor (collectively, the “Deficient Claims”), each as listed on Exhibit A thereto. As set forth in the One Hundred Nineteenth Omnibus Objection and supporting exhibits thereto, each of the Deficient Claims purport to be based on obligations owed to the applicable claimant by the Commonwealth, HTA, or ERS, but failed to provide any information identifying the source of the obligations or explaining why the Commonwealth, HTA, ERS, or any other Title III debtor are liable to the claimant.

² PROMESA is codified at 48 U.S.C. §§ 2101–2241.

2. Any party who disputed the One Hundred Nineteenth Omnibus Objection was required to file a response by 4:00 p.m. (Atlantic Standard Time) on January 14, 2020, in accordance with the Court-approved notice attached to the One Hundred Nineteenth Omnibus Objection as Exhibit C, which was served in English and Spanish on the individual creditors subject to the One Hundred Nineteenth Omnibus Objection, the U.S. Trustee, and the Master Service List (as defined in the *Order Further Amending Case Management Procedures* [ECF No. 8027-1]). *See Certificate of Service* [ECF No. 9621].

I. The Calderon Response.

3. The Calderon Response, which is dated January 14, 2020, was filed with the Court on January 17, 2020, and docketed as ECF No. 10239 on January 21, 2020. Therein, Calderon does not dispute that her proof of claim, which was filed against the Commonwealth on June 29, 2018, and logged by Prime Clerk as Proof of Claim No. 85203 (the “Calderon Claim”), purports to be based on a “demand of the government of Puerto Rico,” but does not provide basic information required to evaluate the Calderon Claim, such as the nature of the “demand of the government of Puerto Rico,” or an explanation of how or why the government of Puerto Rico might owe any liabilities to Calderon. Instead, the Calderon Response contains only contact information for Calderon.

4. By order dated January 23, 2020 [ECF No. 10331], the Court, *inter alia*, adjourned the hearing on the One Hundred Nineteenth Omnibus Objection as to the Calderon Claim until March 4, 2020, and directed counsel for the Debtors to meet and confer with Calderon. By email dated January 24, 2020, counsel for the Oversight Board contacted Calderon to inform Calderon that the hearing on the One Hundred Nineteenth Omnibus Objection as to the Calderon Claim had been adjourned to March 4, 2020, and to initiate the meet and confer process. To date, however,

Calderon has not provided the information necessary for the Debtors to evaluate the Calderon Claim.

5. Because the Calderon Claim remains deficient, the Commonwealth respectfully requests that the Court grant the One Hundred Nineteenth Omnibus Objection and disallow the Calderon Claim in its entirety.

II. The Cedeno Response.

6. The Cedeno Response, which is dated January 14, 2020, was filed with the Court on January 17, 2020, and docketed as ECF No. 10230 on January 21, 2020. Therein, Cedeno does not dispute that her proof of claim, which was filed against the Commonwealth on June 29, 2018, and logged by Prime Clerk as Proof of Claim No. 68341 (the “Cedeno Claim”), purports to be based on a “demand of the government,” but does not provide basic information required to evaluate the Cedeno Claim, such as the nature of the “demand of the government,” or an explanation of how or why the government of Puerto Rico might owe any liabilities to Cedeno. Instead, the Cedeno Response contains only contact information for Cedeno.

7. By order dated January 23, 2020 [ECF No. 10331], the Court, *inter alia*, adjourned the hearing on the One Hundred Nineteenth Omnibus Objection as to the Cedeno Claim until March 4, 2020, and directed counsel for the Debtors to meet and confer with Cedeno. By email dated January 24, 2020, counsel for the Oversight Board contacted Cedeno to inform Cedeno that the hearing on the One Hundred Nineteenth Omnibus Objection as to the Cedeno Claim had been adjourned to March 4, 2020, and to initiate the meet and confer process. To date, however, Cedeno has not provided the information necessary for the Debtors to evaluate the Cedeno Claim.

8. Because the Cedeno Claim remains deficient, the Commonwealth respectfully requests that the Court grant the One Hundred Nineteenth Omnibus Objection and disallow the Cedeno Claim in its entirety.

Dated: February 26, 2020
San Juan, Puerto Rico

Respectfully submitted,

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